

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

CHAMBERS OF
BETH P. GESNER
UNITED STATES MAGISTRATE JUDGE

101 W. LOMBARD STREET
BALTIMORE, MARYLAND 21201
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October 14, 2003

RE: Whalen v. Temper, et al., JKB-02-191

MEMORANDUM FOR COUNSEL

Dear Counsel:

I have received Mr. Bekman's letter of October 8, 2003 providing me with a copy of Judge Bredar's Memorandum and Order denying Nucar's Motion for Summary Judgment.

As requested in my August 20, 2003 letter to you, I would appreciate it if all counsel would confer in an effort to determine whether it may make sense for us to resume settlement discussions. After you confer, I request that Mr. Bekman advise me by letter no later than Wednesday, October 22, 2003 as to counsel's view of whether we should schedule another settlement conference.

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,

/s/

Beth P. Gesner
United States Magistrate Judge

cc: Judge Bredar